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IN THE

Supreme Court of the United States

OCTOBER TERM, 1931.

No. [redacted] 5

THE NEW YORK CENTRAL SECURITIES CORPORATION,
Appellant,

v.

THE UNITED STATES OF AMERICA, *et al.*,
Appellee.

JURISDICTIONAL STATEMENT.

HOUSE, GROSSMAN & VORHAUS,
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In The

Supreme Court of the United States

October Term, 1931.

No. 707.

The New York Central Securities Corporation,
Appellant,

v.

The United States of America, *et al.*,
Appellee.

JURISDICTIONAL STATEMENT.

Comes now appellant, by its counsel, and submits the following jurisdictional statement pursuant to Rule 12 of this Court.

This is an appeal from the District Court of the United States for the Southern District of New York, in which appellant seeks a review of a final decree of a special three-judge Court dismissing appellant's bill in a suit by it to set aside and annul two orders of the

appellee, Interstate Commerce Commission, which authorized, respectively, the acquisition of control, through leasing, by the appellee, New York Central Railroad Company, of the systems of the other railroad companies, appellees herein; and the assumption under the leases, by the lessee corporation, of obligation and liability as to securities of its lessors.

(a) Jurisdiction is conferred on this Court by the Act of October 22, 1913, Chapter 32; 38 Stat. 220; 28 U. S. C. A. Chapter 2, Sections 47 and 47a, and Section 238, Judicial Code, as amended; 28 U. S. C. A., Section 345 (4).

(b) The decree to be reviewed was entered June 24, 1931, by the District Court of the United States for the Southern District of New York (R. 262-263). Petition for appeal and assignment of errors was filed in that Court on July 23, 1931 (R. 284, 292), and the order allowing the appeal was granted and filed July 23, 1931 (R. 294), the said order providing that a Transcript of the Record be docketed and filed in the Supreme Court of the United States within thirty days. Bond for costs was filed July 23, 1931 (R. 295). On August 7, 1931, the said Court enlarged the time to docket and file the record to October 15, 1931 (R. 306). On October 13, 1931, the said Court further enlarged the time to docket and file the record to November 16, 1931 (R. 310). On November 9, 1931, the said Court further enlarged the time to docket and file the said record until February 16, 1932, inclusive (R. 314). On February 16, 1932, the appeal herein was docketed in the Supreme Court of the United States (R. 1).

(c) This is a suit under the Urgent Deficiencies Act of October 22, 1913 (38 Stat. 208, 219, 220), 28 U. S. C. A., Sections 46, 47, to annul and set aside two

orders of the Interstate Commerce Commission dated respectively July 2, 1929, and December 2, 1929 (R. 228). By the order of July 2, 1929, the acquisition by the New York Central Railroad Company of the control, through ninety-nine (99) year leases, of the railroad system of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company, of the railroad system of the Michigan Central Railroad Company and of the railroad properties of the Chicago, Kalamazoo and Saginaw Railway Company, in accordance with the terms of the proposed leases set forth in the application of said New York Central Railroad Company to the Commission and on the conditions prescribed in the Commissioner's reports in the proceedings on said application, was approved and authorized (R. 229). By the order of December 2, 1929, the Commission authorized the New York Central Railroad Company to assume obligation and liability as lessee in respect of certain securities, including the capital stock of the Michigan Cental Railroad Company and of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company (R. 229). The first order above mentioned was made pursuant to Section 5 (2), the second, pursuant to Section 20-a, of the Transportation Act of 1920, 49 U. S. C. (R. 229). The original petition herein related to the first of said orders (R. 9, 27-28). The second order was made after the commencement of the suit and is the subject of the supplemental petition herein (R. 133), filed by leave of the Court (R. 169). Appellant is, and at and since the time of the filing with the Interstate Commerce Commission of the applications here involved, was a minority stockholder of each of the appellee railroad corporations (R. 10, 14-15).

(d) A hearing was had before a special three-judge Court, convened pursuant to the provisions of the Act of October 22, 1913, Chapter 32; 38 Stat. 220; 28 U. S. C. A., Chapter 2, Section 47 (R. 228), and thereafter the said three-judge Court delivered an opinion (R. 228), and on July 23, 1931, entered a decree dismissing appellant's bill upon the grounds and for the reasons set out in said opinion (R. 263).

(e) Jurisdiction of this Court on direct appeal is specifically authorized by the Act of October 22, 1913, Chapter 32; 38 Stat. 220; 28 U. S. C. A., Chapter 2, Sections 47 and 47a, aforesaid; and Section 238 of the Judicial Code as amended by the Act of February 13, 1925, C. 229; 43 Stat. 938; 28 U. S. C. A., Section 345 (4).

WHEREFORE, it is respectfully prayed that jurisdiction on appeal be noted.

HOUSE, GROSSMAN & VORHAUS,
Attorneys for Appellant.

WILLIAM E. LEAHY,
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